

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 08 MAY 2006
WIPO PCT

Applicant's or agent's file reference 2003B002	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US04/00280	International filing date (day/month/year) 08 January 2004 (08.01.2004)	Priority date (day/month/year) 08 January 2003 (08.01.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): B32B 27/32 and US Cl.: 428/212, 516		
Applicant EXXONMOBIL CHEMICAL PATENTS INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:

- a. ☐ (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 09 June 2004 (09.06.2004)	Date of completion of this report 21 April 2006 (21.04.2006)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer D. Lawrence Tarazano Telephone No. (571)-272-1700

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International application No.

PCT/US04/00280

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:

pages 1-40 as originally filed/furnished

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☒ the claims:

pages 41-67 as originally filed/furnished

pages* NONE as amended (together with any statement) under Article 19

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☒ the drawings:

pages 1-4 as originally filed/furnished

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.
PCT/US04/00280**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-222</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-222</u>	NO
Industrial Applicability (IA)	Claims <u>1-222</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1-222 lack novelty under PCT Article 33(2) as being anticipated by US 6,635,717 (Kishine et al.).

See Example 1, which contains a surface layer composition containing ethylene / hexane copolymer and high pressure low density polyethylene (ethylene homopolymer) in which the mixture has a melting point of 90 deg.C. The core layer comprises a blend of butene/propylene copolymer and propylene/ethylene/butene terpolymer having a melting point of 135 deg C. Other resins can be used in the layers see claim 1. The applicants claim particular uses of the materials such as garments, but do not claim any particular structure.

Claims 1-222 lack novelty under PCT Article 33(2) as being anticipated by US 5,620,803 A (OYAMA et al.).

The surface layers of the films comprise isotactic polypropylene and the inner layers comprise a blend of the same isotactic polypropylene and a low melting point syndiotactic polypropylene (column 3, lines 52+).

Claims 1-222 lack novelty under PCT Article 33(2) as being anticipated by US 5,932,157 (DRIES et al.).

See example 1 in which the core and surface layers are made of isotactic polypropylene having melting points of 162 and 136 Deg C respectively.

Claims 1-222 lack novelty under PCT Article 33(2) as being anticipated by US 2002/0182426 A (TANAKA et al.).

Tanaka et al. teach a core layer containing crystalline propylene materials and surface layers containing lower melting point propylene /butene copolymers.

Claims 1-222 lack novelty under PCT Article 33(2) as being anticipated by US 6,423,420 B1 (BRANT et al.).

Brant et al. teach films comprising ethylene copolymers made by metallocene catalysis and a polypropylene core. The surface

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Supplemental Box

layers would have a lower melting point than the core layer by greater than 25 deg. C based on the materials used.

Claims 1-222 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry as a packaging film.

----- NEW CITATIONS -----